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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/527,442

03/10/2005

Alfred Losch

71659

9571

23872

7590

08/11/2006

MCGLEW & TUTTLE, PC

P.O. BOX 9227

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EXAMINER

PATEL, KIRAN B

ART UNIT

PAPER NUMBER

3612

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/527,442

Applicant(s)

LOSCH, ALFRED

Examiner

Kiran B. Patel

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/10/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

Non-Final Rejection (7/26/06)

### **Claim Rejections - 35 USC § 112**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim(s) 1-14, as best understood, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim(s), elected for prosecution, are confusing and are not clear because claimed limitations, (Claim(s) 1, said roof panel in a vertical projection is greater than a roof opening in the motor vehicle body; Claim(s) 3, said U section in the area of a front window at the outside has a support for the front window; Claim(s) 4, wherein said roof panel in an area of a front window has a step, whose height roughly corresponds to the thickness of the front window; Claim(s) 5, wherein said U section in a door area at the outside has a support for the side window and/or side window pane seal; Claim(s) 6, wherein said roof panel in the door area has a step, whose height roughly corresponds to the thickness of the side window and/or side window pane seal; Claim(s) 8, a motor vehicle body having than a roof opening; a reinforcing frame a roof panel fastened to said reinforcing frame, said reinforcing frame being fastenable to the motor vehicle body by means of one or more of screw connections and adhesive bonds, one of said reinforcing frame and

said roof panel having a folded flange at an edge of a U section and one of said reinforcing frame and said roof panel having an edge strip engaging into said U section and bonded to the other of said reinforcing frame and said roof panel, said roof panel in a vertical projection being greater than the roof opening.; Claim(s) 10, said U section in the area of a front window at the outside has a support for the front window; Claim(s) 11, wherein said roof panel in an area of a front window has a step, whose height roughly corresponds to the thickness of the front window; Claim(s) 12, wherein said U section in a door area at the outside has a support for the side window and/or side window pane seal; Claim(s) 13, wherein said roof panel in the door area has a step, whose height roughly corresponds to the thickness of the side window and/or side window pane seal.), are few examples of limitations not shown in the figures and/or lacks support in the specification and therefore fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These limitations must be shown or the feature(s) canceled from the claim(s). Applicant is requested to go through the whole application and ensure that the claimed matter has been described in the specification and shown in the drawing in such a way as to convey to one skilled in the art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Correction is required.

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim(s) 1-2, 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshii (5,681,076) and further in view of Verbofsky (5,349,801).

Regarding Claim(s) 1-2, 8-9, Yoshii (5,681,076) discloses the invention as claimed to include a reinforcing frame 42 and a roof panel 2a fastened there to said reinforcing frame being fastened to the motor vehicle body by means of screw 56 connections and adhesive bonds, said reinforcing frame 42 or said roof panel having a folded flange Fig 4 at an edge shaped to a U section, and an edge strip, of the roof panel 2a.

However, Yoshii (5,681,076) does not disclose the roof panel engages into said U section and is bonded there to the reinforcing frame or roof panel; an external joint between the folded flange and the roof panel is sealed.

Verbofsky (5,349,801) discloses the roof panel engages into said U section and is bonded there to the reinforcing frame or roof panel Fig 4; an external joint between the folded flange and the roof panel is sealed Fig 4;

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention, as disclosed by Yoshii (5,681,076), to include the roof panel engages into said U section and is bonded there to the reinforcing frame or roof panel; an external joint between the folded flange and the roof panel is sealed, as disclosed by Verbofsky (5,349,801), to provide a strong leak proof joint for the roof.

3. Claim(s) 7, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshii (5,681,076) as applied to claim 1 and 8 and further and in view of ordinary skill in the art.

Regarding Claim(s) 7, 14, Yoshii (5,681,076) discloses the invention as claimed.

However, Yoshii (5,681,076) does not disclose said roof panel and/or reinforcing frame are comprised of pretreated and/or prelacquered metal sheets.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide roof panel and/or reinforcing frame are pretreated and/or prelacquered metal sheets, since it has been held to be within the general skill of a worker in the art to select a known weather protection coatings on the basis of its suitability for the intended use to optimize the cost of the product made.

### **Conclusion**

4. The prior art made of record in attached Notice of Reference Cited (PTO-892) and not relied upon is considered pertinent to applicant's disclosure. This art of record shows various features similar to the applicant's invention.

5. Any inquiry concerning this communication or earlier communications should be directed to Primary Examiner Kiran B. Patel whose telephone number is 571-272-6665. The examiner can normally be reached on M-F from 8:00 to 5:00. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Art Unit: 3612

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A handwritten signature in black ink, appearing to read "K. B. Patel". The signature is written in a cursive, flowing style.

Kiran B. Patel, P. E.  
Primary Examiner  
Art Unit 3612  
July 26, 2006